

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Sarah Vogerl,

Plaintiff,

v.

Case No. 1:09cv713

Robert Craig Elliott, II,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on April 6, 2012 (Doc. 54).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** in its entirety. The matter is **DISMISSED** without prejudice subject to reinstatement upon determination by the Ohio Court of Claims that defendant Elliott's conduct was manifestly outside the scope of his employment or that he acted with a malicious purpose, in bad faith, or in a wanton or reckless manner consistent with the opinion by the Magistrate Judge.

**IT IS SO ORDERED.**

S/Michael R. Barrett  
Michael R. Barrett  
United States District Judge